

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

WENDY STEADMAN,

Plaintiff,

Case No. 20-cv-190-pp

v.

ANDREW M. SAUL,

Defendant.

**ORDER DENYING MOTION FOR LEAVE TO PROCEED WITHOUT
PREPAYMENT OF THE FILING FEE (DKT. NO. 2)**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 2.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

Based on the facts in the plaintiff's affidavit, the court concludes that she has the ability to pay the filing fee. It appears from the plaintiff's affidavit that she is not employed, that she is married and her spouse is employed, and that she has a 17-year-old daughter she is responsible for supporting and for whom she receives either \$650 (dkt. no. 2 at 2) or \$850 per month (*id.* at 1) in support. The plaintiff indicates that her spouse earns \$5,152 per month, *id.* at

2, and that amount combined with the child support results in a monthly income for the couple of at least \$5,800 per month. The plaintiff lists \$5,825 per month in expenses (\$1,500 mortgage, \$713 car payments, \$170 credit card payments \$2,385 other household expenses, \$382 “vacant land with taxes,” \$259.90 second mortgage, \$416 college tuition). *Id.* The plaintiff owns three vehicles (a 2016 Mazda CX-5, a 2014 Subaru Forester, and a 2007 Dodge Ram), the combined value of which is approximately \$40,000. *Id.* at 3. The plaintiff owns a home worth approximately \$500,000 with \$280,000 in equity and one acre of vacant land worth approximately \$70,000. *Id.* at 3-4. The plaintiff states that she has \$2,800 in cash on hand or in a checking or savings account, which is “due to a loan from parents in the amount of \$2,500.” *Id.* at 3. And the plaintiff owns jewelry worth approximately \$5,000. *Id.* at 4. Unless there are additional circumstances that she wishes to clarify, the plaintiff’s affidavit demonstrates that she has the disposable income to pay the \$350 filing fee and \$50 administrative fee.

Because the court concludes that the plaintiff has the ability to pay the filing fee, it need not determine whether the case is frivolous.

The court **DENIES without prejudice** the plaintiff’s motion for leave to proceed without paying the filing fee. Dkt. No. 2. The court **ORDERS** that the plaintiff shall pay the \$350 filing fee and \$50 administrative fee by the end of the day on **March 2, 2020**. If the court does not receive the fee in full by the end of the day on March 2, 2020, the court will dismiss the case on the

following business day without further notice or hearing, for failure to pay the required filing fee.

Dated in Milwaukee, Wisconsin this 10th day of February, 2020.

BY THE COURT:



HON. PAMELA PEPPER
Chief United States District Judge